



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,775	08/31/1999	LASZLO ERDELY JR.	1858.003	1784
32127	7590	10/20/2005		
VERIZON CORPORATE SERVICES GROUP INC. C/O CHRISTIAN R. ANDERSEN 600 HIDDEN RIDGE DRIVE MAILCODE HQEO3H14 IRVING, TX 75038			EXAMINER TIEU, BINH KIEN	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/386,775

Applicant(s)

ERDELY ET AL.

Examiner

BINH K. TIEU

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 and 18 is/are allowed.
- 6) ☒ Claim(s) 1-15, 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Sansom et al. (U.S. Pat. #: 5,943,404 *as cited in the previous Office Action*).

Regarding claims 1, 2 and 17, Sansom et al. ("Sansom") teaches a system (as shown in figures 4 and 17) and a method of providing uninterrupted digital communications (i.e., ISDN communication) between a central office (i.e., C.O. switch 11 as shown in figure 3) and a customer premises (i.e., DTE 22 or POTS 25) comprising the following features:

placing a local loop generation mechanism (i.e., monitor mechanism including transceivers, microcontroller, etc.) in series with a communications path between the central office and the customer (tip and ring 241 and 242 or communication path 240);

placing a frequency-selective filter (i.e., auxiliary digital/analog interface 250 or 750 or 10 KHz tone detector 268) in parallel with the local loop generation mechanism.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 3-6 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansom et al. (U.S. Pat. #: 5,943,404) in view of McNamara et al. (U.S. Pat. #: 5,974,139 ***also cited in the previous Office Action***).

Regarding claims 3 and 4, Sansom teaches all subject matters as claimed above, except for the frequency selective filter adapted to pass at least those frequencies, which carry digital information. However, McNamara teaches the line isolation device comprising the high-pass filter to filter out the ADSL signal (col.7, line 57 – col.8, line 6; col.10, lines 21-29) for a purpose of filtering out the POTS signals.

Art Unit: 2643

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the frequency selective filter as a high pass filter, as taught by McNamara, in view of Sansom in order to filter out unwanted incoming signals to the system.

Regarding claim 5, McNamara further teaches the line isolation device 70 comprising the low-pass or bandpass filter to filter out the ADSL signals (col.7, lines 44-56 and col.10, lines 30-37).

Regarding claim 6, Sansom further teaches limitations of the claim in figure 4, switch contacts 261 and 262 in figure 4 or switch 720 in figure 7.

Regarding claim 11, McNamara further teaches the limitations of the claim in col.7, line 64 – col.8, line 6.

Regarding claims 12-13, McNamara further teaches the limitations of the claim in col.8, lines 7-21.

Regarding claim 14, McNamara further teaches the limitations of the claim in col.1, lines 29-38.

Regarding claim 15, McNamara further teaches the limitations of the claim in col.9, line 29 – col.10, line 29.

4. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansom et al. (U.S. Pat. #: 5,943,404) in view of McNamara et al. (U.S. Pat. #: 5,974,139) as applied to claim 1 above, and further in view of Alpha Communications (Product Specification Sheet, Rev. 1-12/98 *also cited in the previous Office Action*).

Regarding claims 7-9, Sansom and McNamara teaches the network interface device providing connections of telephone lines between the central office and subscriber-own equipment as stated above, except for the use of an RJ71C terminal block in the system. However, the RJ71C terminal block is known those skilled in the art as a junction phone box for connection arrangement of 12 pair of telephone lines without interrupting any other pairs. Alpha Communications teaches such RJ71C terminal block or jacks for the purpose of connecting central office lines to the subscriber-own equipment in the doorbell security system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the RJ71C terminal block, as taught by Alpha Communications, into view of Sansom and McNamara, in order to arrange connections of the telephone lines in the system.

Regarding claim 10, McNamara teaches the line isolation device (LID) 70 comprising the highpass and low pass filter to splitter the incoming signals for digital data modem and POTS devices, respectively. Thus, with incorporation of teachings of Alpha Communications, the LID is obviously modified such as replacing or substituting with an RJ71C in order to provide the same functions as of the LID 70, that are, the customer premises with a voice communication ports and a data communication port.

Allowable Subject Matter

5. Claims 16 and 18 are allowed.

Response to Arguments

6. Applicant's arguments filed 09/01/2005 have been fully considered but they are not persuasive.

A/. In response to the Applicants' arguments under the section of "Sansom Does Not Disclose a Local Loop Generation Mechanism" on page 6 wherein the Applicants stated as followings:

"...In contrast, a local loop generation mechanism selectively forms one or more local loops whereby information can be transferred throughout the loop without passing through the Central Office. Examples of local loop..."

The Examiner respectfully disagrees with the Applicants argued as stated above. The Examiner carefully read the limitations recited in claims 1 and 2. The Examiner found that there is no definition or function of ***a local loop generation mechanism selectively forms one or more local loops whereby information can be transferred throughout the loop without passing through the Central Office***, clearly recited or stated in the claim to distinguish the Applicants' "local loop generation mechanism" from "monitoring mechanism" in teachings of Sansom. Therefore, Applicants argued on subject matters, which were NOT stated in the claims.

B/. In response to the Applicants' arguments under the section of "Sansom Does not Disclose a Frequency Selective Filter" on page 7 wherein the Applicants stated as followings:

"...A frequency-selective filter is a device that permits signals of a certain frequency to pass, but blocks signals of other frequencies. In contrast, Sansom states..."

The Examiner respectfully disagrees with the Applicants argued as stated above. The Examiner carefully read the limitations recited in claims 1 and 2. The Examiner found that there

Art Unit: 2643

is no definition or function of a *frequency-selective filter is a device that permits signals of a certain frequency to pass, but blocks signals of other frequencies*, clearly recited or stated in the claim to distinguish the Applicants' "frequency-selective filter" from "the filter of 10 KHz detector 268" in teachings of Sansom. Therefore, Applicants, again, argued on subject matters, which were NOT stated in the claims.

C/. In response to the Applicants' arguments under the section of "Rejection of Claim 16," the Applicants correctly stated that the teachings of Sansom failed to teach the feature of "providing a communication path communicating information over at least two frequency ranges concurrently, wherein the at least two..." Therefore, claim 16 is allowed as indicated above.

D/. In response to the Applicants' arguments under the section of "Rejection of Claim 17," the Applicants should refer to the Examiner's responses to the Applicants' arguments to claims 1 and 2 in A/. and B/. above.

E/. For section of "New Claim 18", the Applicants argument of limitations recited in claim 18 is moot. Therefore, the claim is allowed as indicated above.

With all responses to the Applicants' arguments addressed above, the Examiner believed that the rejections to claims 1-15 and 17 as set forth in the previous Office Action as well as in this Office Action have been proper and permissible on the merits. Therefore, the rejections to the claims 1-15 and 17 have been maintained.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO

Art Unit: 2643

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

Any response to this final action should be mailed to:

Box AF

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

Or faxed to:

**(703) 872-9314 or (571) 273-8300 (for formal communications; please
"EXPEDITED PROCEDURE")**

mark

Or:

**If it is an informal or draft communication, please label
"PROPOSED" or "DRAFT")**

Hand Carry Deliveries to:

**Customer Service Window
(Randolph Building)
401 Dulany Street
Alexandria, VA 22314**

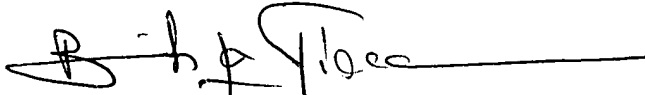
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

Art Unit: 2643

applications is available through Private PAIR only. For more information about the FAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Binh Tieu', with a long horizontal line extending to the right.

BINH TIEU
PRIMARY EXAMINER

Art Unit 2643

Date: October 18, 2005